

In the matter of application Serial No. 78/234,067
Published in the *Official Gazette* on January 27, 2004

Opposition No. _____

599322/D/2

3. Opposer owns the incontestable federal registrations for GREEN CROSS FOR SAFETY and Design (Registration No. 510,030) for various educational publications issued from time to time on the subject of accident prevention including periodicals, posters, safety seals, and miscellaneous articles in International Class 16; GREEN CROSS FOR SAFETY and Design (Registration No. 527,024) for preparation and distribution of educational materials designed to help individuals and organizations in accident prevention in International Class 41; GREEN CROSS FOR SAFETY NATIONAL SAFETY COUNCIL FIRST AID INSTITUTE and Design (Registration No. 1,720,793) for organizing and implementing first aid and cardiac pulmonary resuscitation courses and providing related course materials; THREE CROSS DESIGN (Registration No. 1,990,685) for educational services, namely conducting classes, seminars and workshops in the fields of safety, health and environmental matters; publication of books, magazines and pamphlets relating to safety, health and environmental matters; production of motion picture films, audio tapes and video tapes relating to safety, health and environmental matters in International Class 41, and consultation services in the fields of safety, health and environmental matters; promoting the public awareness of safety, health and environmental matters; association services, namely, promoting the interests of persons and entities involved in the safety, health and environmental industries in International Class 42; FIRST AID INSTITUTE and Design (Registration No. 2,081,946) for distributorship services in the field of first aid, health and safety related products, namely educational and training products in International Class 42; and the federal registration for NATIONAL SAFETY COUNCIL and Design (Registration No. 2,837,029) for educational services, namely, conducting classes, seminars and workshops and providing education and training to industry, government and individuals in the fields of health,

safety and the environment in International Class 41 (collectively the "GREEN CROSS MARKS"). TESS printouts of the GREEN CROSS MARKS are attached hereto as Exhibit A.

4. On April 4, 2003, Applicant filed an application to register the mark KAGCHC KOREAN AMERICAN GREEN CROSS HEALTHCARE CENTER and Design for "medical services" in International Class 44. A TESS printout of the KAGCHC KOREAN AMERICAN GREEN CROSS HEALTHCARE CENTER and Design mark is attached hereto as Exhibit B.
5. There is no issue as to priority. Applicant's filing date is many years subsequent to Opposer's first use of the mark GREEN CROSS FOR SAFETY and many of Opposer's registrations of its GREEN CROSS MARKS.
6. Opposer has offered its health and safety-related goods and services under its GREEN CROSS MARKS throughout the United States. As a result of Opposer's efforts, its advertising and the high quality of its goods and services, Opposer enjoys considerable goodwill in its GREEN CROSS MARKS. Further, the public has come to associate the high quality of goods and services offered under its GREEN CROSS MARKS with Opposer.
7. The mark proposed for registration by Applicant, namely, KAGCHC KOREAN AMERICAN GREEN CROSS HEALTHCARE CENTER and Design for services similar to the goods and services offered by Opposer (namely, medical services), contains the identical wording "GREEN CROSS" and resembles Opposer's GREEN CROSS MARKS so as to be likely to be confused therewith and mistaken therefor.
8. The mark proposed for registration by Applicant, namely, KAGCHC KOREAN AMERICAN GREEN CROSS HEALTHCARE CENTER and Design, also prominently

features a "Greek"-style cross which appears in all of Opposer's GREEN CROSS MARKS so as to be likely to be confused therewith and mistaken therefor.

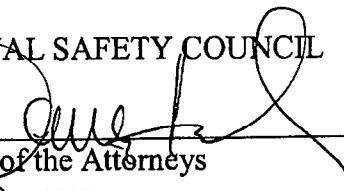
9. Applicant's use of KAGCHC KOREAN AMERICAN GREEN CROSS HEALTHCARE CENTER and Design would be likely to confuse and/or deceive the public as to the source and origin of Applicant's services and as to the existence of any association, connection, sponsorship or relationship between Opposer and Applicant.
10. By reason of Opposer's continued and exclusive use of its GREEN CROSS MARKS, Opposer has rights in its marks superior to any rights claimed by Applicant.
11. Applicant's registration of KAGCHC KOREAN AMERICAN GREEN CROSS HEALTHCARE CENTER and Design on the Principal Register will interfere with Opposer's enjoyment of its rights in its GREEN CROSS MARKS and will result in substantial detriment to Opposer.

WHEREFORE, Opposer believes that it would be damaged by said registration and prays that it be denied.

Dated this 24th day of May, 2004.

Respectfully submitted,

NATIONAL SAFETY COUNCIL

By: 
One of the Attorneys
for Opposer

Sana Hakim, Esq.
Colin J. Sawdy, Esq.
BELL, BOYD & LLOYD LLC
P.O. Box 1135
Chicago, Illinois 60609-1135
(312) 372-1121

EXHIBIT A



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Record 1 out of 1**Check Status***(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)***Word Mark** GREEN CROSS FOR SAFETY**Goods and Services** IC 016. US 038. G & S: VARIOUS EDUCATIONAL PUBLICATIONS ISSUED FROM TIME TO TIME ON THE SUBJECT OF ACCIDENT PREVENTION INCLUDING PERIODICALS, POSTERS, SAFETY SEALS, AND MISCELLANEOUS ARTICLES. FIRST USE: 19460102. FIRST USE IN COMMERCE: 19460102**Mark Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS**Design Search Code** 240501 241302**Serial Number** 71523791**Filing Date** June 7, 1947**Current Filing Basis** 1A**Original Filing Basis** 1A**Registration Number** 0510030**Registration Date** May 24, 1949**Owner**

(REGISTRANT) NATIONAL SAFETY COUNCIL, THE CORPORATION ILLINOIS 20 NORTH WACKER DRIVE CHICAGO ILLINOIS 60006

(LAST LISTED OWNER) NATIONAL SAFETY COUNCIL CORPORATION ASSIGNEE OF
UNITED STATES 444 NORTH MICHIGAN AVENUE CHICAGO ILLINOIS 60611

Prior Registrations 0150493
Description of Mark THE DRAWING IS LINED FOR THE COLOR GREEN.
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15.
Renewal 2ND RENEWAL 19890524
Live/Dead Indicator LIVE

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Word Mark	GREEN CROSS FOR SAFETY
Goods and Services	IC 041. US 107. G & S: PREPARATION AND DISTRIBUTION OF EDUCATIONAL MATERIALS DESIGNED TO HELP INDIVIDUALS AND ORGANIZATIONS IN ACCIDENT PREVENTION. FIRST USE: 19460102. FIRST USE IN COMMERCE: 19460102
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	240501 241302
Serial Number	71539339
Filing Date	October 28, 1947
Current Filing Basis	1A
Original Filing Basis	1A
Registration Number	0527024
Registration Date	June 27, 1950
Owner	(REGISTRANT) NATIONAL SAFETY COUNCIL CORPORATION ILLINOIS 20 NORTH WACKER DRIVE CHICAGO ILLINOIS (LAST LISTED OWNER) NATIONAL SAFETY COUNCIL CHARTERED CORPORATION

ASSIGNEE OF UNITED STATES 1121 SPRING LAKE DRIVE ITASCA ILLINOIS 60143-320

Attorney of Record SANA HAKIM, ESQ

Prior Registrations 0150493;0510030

Disclaimer APPLICANT DISCLAIMS ANY EXCLUSIVE RIGHT TO THE WORDS "FOR SAFETY" APART FROM THE MARK, AS SHOWN, WITHOUT, HOWEVER, DISCLAIMING ANY COMMON LAW RIGHTS THAT APPLICANT MAY HAVE.

Description of Mark THE DRAWING IS LINED TO REPRESENT THE COLOR GREEN.

Type of Mark SERVICE MARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20010814.

Renewal 3RD RENEWAL 20010814

Live/Dead Indicator LIVE

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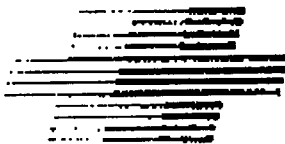
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Record 1 out of 1**Check Status***(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)***National Safety Council****FIRST
AID
INSTITUTE****Word Mark**

GREEN CROSS FOR SAFETY NATIONAL SAFETY COUNCIL FIRST AID INSTITUTE

Goods and Services

IC 041. US 107. G & S: organizing and implementing first aid and cardiac pulmonary resuscitation courses and providing related course materials. FIRST USE: 19900815. FIRST USE IN COMMERCE: 19900815

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code

241302 260102 261707

Serial Number

74110449

Filing Date

October 29, 1990

Current Filing Basis

1A

Original Filing Basis

1A

Published for Opposition

December 31, 1991

Registration Number

1720793

Registration Date

September 29, 1992

Owner

(REGISTRANT) NATIONAL SAFETY COUNCIL CORPORATION UNITED STATES 444 North Michigan Avenue Chicago ILLINOIS 60611

Prior Registrations 0510038;0527024

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FIRST AID INSTITUTE" APART FROM THE MARK AS SHOWN

Description of Mark The mark consists in part of the words "GREEN CROSS FOR SAFETY" surrounding the cross design. The lining shown in the drawing is a feature of the mark and is not intended to indicate color.

Type of Mark SERVICE MARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20030116.

Renewal 1ST RENEWAL 20030116

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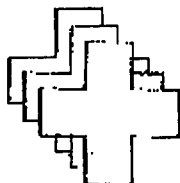
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**Goods and
Services**

IC 041. US 107. G & S: educational services, namely conducting classes, seminars and workshops in the fields of safety, health and environmental matters; publication of books, magazines and pamphlets relating to safety, health and environmental matters; production of motion picture films, audio tapes and video tapes relating to safety, health and environmental matters. FIRST USE: 19880715. FIRST USE IN COMMERCE: 19880715

IC 042. US 100 101. G & S: consultation services in the fields of safety, health and environmental matters; promoting the public awareness of safety, health and environmental matters; association services, namely, promoting the interests of persons and entities involved in the safety, health and environmental industries. FIRST USE: 19880715. FIRST USE IN COMMERCE: 19880715

Mark**Drawing Code**

(2) DESIGN ONLY

**Design Search
Code**

241302

Serial Number 74538208

Filing Date June 15, 1994

**Current Filing
Basis** 1A

**Original Filing
Basis** 1A

**Published for
Opposition** May 30, 1995

Registration Number 1990685
Registration Date August 6, 1996
Owner (REGISTRANT) NATIONAL SAFETY COUNCIL CHARTERED CORPORATION UNITED STATES 1121 Spring Lake Drive Itasca ILLINOIS 601433201
Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator LIVE

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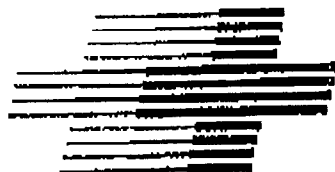
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Word Mark	FIRST AID INSTITUTE
Goods and Services	IC 042. US 100 101. G & S: distributorship services in the field of first aid, health and safety related products, namely educational and training products. FIRST USE: 19960801. FIRST USE IN COMMERCE: 19960801
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	241706
Serial Number	74610248
Filing Date	December 12, 1994
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	August 29, 1995
Registration Number	2081946
Registration Date	July 22, 1997
Owner	(REGISTRANT) NATIONAL SAFETY COUNCIL CHARTERED CORPORATION UNITED STATES 1121 Spring Lake Drive Itasca ILLINOIS 601433201

Attorney of Record	SANA HAKIM
Prior Registrations	1720793
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FIRST AID INSTITUTE" APART FROM THE MARK AS SHOWN
Description of Mark	The lining is a feature of the mark and does not indicate color.
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead Indicator	LIVE

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NATIONAL SAFETY COUNCIL

Goods and Services

IC 041. US 100 101 107. G & S: educational services, namely, conducting classes, seminars and workshops and providing education and training to industry, government and individuals in the fields of health, safety and the environment. FIRST USE: 20020900. FIRST USE IN COMMERCE: 20020900

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code

241302 260102 260107 260108 260117 260121

Serial Number

76428047

Filing Date

July 1, 2002

Current Filing Basis

1A

Original Filing Basis

1B

Published for Opposition

March 11, 2003

Registration Number

2837029

Registration Date

April 27, 2004

Owner

(REGISTRANT) NATIONAL SAFETY COUNCIL CHARTERED CORPORATION UNITED

Attorney of Record STATES 1121 Spring Lake Drive Itasca ILLINOIS 601433201
Prior Registrations Sana Hakim, Esq.
Type of Mark 0510030;1720793;1930643;1937792;2560908;AND OTHERS
Register SERVICE MARK
Live/Dead Indicator PRINCIPAL-2(F)-IN PART
Distinctiveness Statement LIVE
Limitation as to "NATIONAL SAFETY COUNCIL"

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EXHIBIT B



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Word Mark	KAGCHC KOREAN AMERICAN GREEN CROSS HEALTHCARE CENTER
Goods and Services	IC 044. US 100 101. G & S: MEDICAL SERVICES
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	050307 241302
Serial Number	78234067
Filing Date	April 4, 2003
Current Filing Basis	1B
Original Filing Basis	1B
Published for Opposition	January 27, 2004
Owner	(APPLICANT) KOREAN AMERICAN GREEN CROSS HEALTHCARE CENTER CORPORATION CALIFORNIA 3000 W. 6TH ST LOS ANGELES CALIFORNIA 90020
Attorney of Record	BRAD LEE
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "KOREAN AMERICAN" and "HEALTHCARE CENTER" APART FROM THE MARK AS SHOWN

Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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